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695 Besides the *khɔrɔ* fees already mentioned, there is a 'closing' fee, required only where *munywalo* is returned. Theoretically, one of the cattle is slaughtered and eaten by the *khɔrɔ*, but in practice this is rarely done. Much more usually does one see, when plaintiff is paid some goats or some cattle and goats as the result of a judgement, that the *khɔrɔ* orders one of the goats to be set aside as the 'goat of the shaking of the beards', which is killed for those attending the session, in recognition of all the talking they have done. The queen receives only the £1 exacted as 'opening' fee—required always in *munywalo* suits, rarely in theft, and never in other cases—and the head of cattle paid in 'blood cases' that come before the *khɔrɔ* of the capital. What she receives in this way can never enrich her, though it helps her to provide the *munywalo* of her many wives.

696 Fees and fines or restitution raise questions of execution. The *khɔrɔ* never levied execution in the past and it cannot do so to-day, but self-help is absolutely forbidden. The *khɔrɔ* reluctantly and rarely calls in the aid of the Native Commissioner, and for a litigant to place his case in the hands of a solicitor is an abomination which, whatever his rights, will turn the *khɔrɔ* against him. Execution is frowned upon almost as much as intervention by the European authorities; it is so alien that few things in the society arouse such indignation as seizure by the European sheriff. People hate to be coerced, not only in *khɔrɔ* proceedings, but in every sphere of activities, including their labour for the queen; just as differences must be settled by consent, so also the queen must solicit labour with entertainments. There are exceptions, some apparent, some real: a disloyal district head may be deposed; a subject who disobeys and does not pay the fine imposed may be expelled; a witch's cattle used to be confiscated. But these are not *khɔrɔ* cases and, except in the case of the witch, there is no execution upon property or person.

The enforcement of *khɔrɔ* decisions is left entirely to the parties. But they must agree; they cannot resort to force. This does not mean that the values of the society have been irresistibly internalized or that men are supersensitive to conscience and shame. It is the continuous pressure of institutionalized obligations, the impossibility of doing without the tangible day-by-day mutualities, and the disorganization caused by failure of the long-run reciprocities, not a sense of guilt or shame, which slowly but surely force a man to carry out the compromise reached in the *khɔrɔ*. A judgement creditor may receive no satisfaction for years; he may complain again and again to the *khɔrɔ* that no restitution has been made; yet if the debtor, appearing in the court, says that he is still 'looking for' the payment, it will usually be sufficient. 'Looking for' implies willingness to pay and it rehabilitates the wrongdoer; the *khɔrɔ* may even reprimand an impatient judgement creditor, at least if he has no grounds for casting aspersions upon the honesty or sincerity of the debtor. 'The law', in their phraseology, 'does not eat the man-who-says-I-shall-pay'. Culture contact has struck a severe blow at settlement by consent; the *khɔrɔ*, in an attempt to regain prestige, clamours for the power to punish; and the parties, reluctant to invoke European aid, bolster up the crumbling reciprocities with supernatural sanctions. Most men still have great

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confidence in the *khɔrɔ* and its methods, but some men increasingly resort to a mixture of the supernatural, the 'sending back' of the evil, and the processes of the European courts.

'Blood' cases and disobedience to tribal authorities, as well as witchcraft, are dealt with by procedures essentially different from those so far described. Homicide, especially accidental killing (*gozi*), is usually restituted by *hu khumɛlwa* and by converting the criminal to a kinsman, without the intervention of the *khɔrɔ* or payment to the queen. But other procedures were also used: a murderer might be killed in the heat of the moment by a relative of the victim, and in such a case that ended the matter; or he might be executed by order of the queen unless he could escape to one of the recognized sanctuaries in the country; or he might be dealt with as a witch. Homicide in its manifold aspects is too large a subject for treatment here, but since it is, in regard to aspects of law dealt with in this book, adequately illuminated by our next subject, viz. procedure in 'blood' cases, we may content ourselves with the remark that homicide apparently did not involve a *khɔrɔ* trial.

'Blood' cases to-day present a curious mixture of different procedures of the past. One old element of the procedure, being incongruous with the disapproval of self-help, has completely disappeared. Old men told us that 'blood' cases were settled by the kin, not submitted to the *khɔrɔ*. That, but no doubt also the reluctance to appeal to the European, to-day explains the emphasis on reconciliation and the encouragement of *hu khumɛlwa* in these cases. If a 'blood' case comes to the *khɔrɔ*, the victim gets nothing and the assaulter pays heavily; if the matter is privately settled, the victim gets something and the assaulter pays less. In the old days, if private settlement failed, the kin of the victim went to attack the assaulter's village: they reported to the queen, but she exacted no fine if in the attack a man was killed. Though this method of execution is unknown to-day, it is still said that a man who kills an aggressor pays nothing, not even to the queen, for 'He who dies on the road is not to be cried for. Let the aggressor kill himself' (*mufa-dzileni a u lɛlwi, mulala u ibolaɛlɛ*). This precept is also invoked to justify 'revenge' by means of medicines, but here, as in the case of aggression, it is regarded as self-defence, not self-help, just as killing an adulterer caught in the act—in which case also no blood-money is paid, even to the queen—is thought of as killing a thieving dog. These conceptions leave intact the aversion from vengeance: there is no blood revenge, no vendetta, no trace of the *lex talionis*, though a limb for a limb is known not very far off. Self-help, even in cases where it is admitted among tribes with more highly developed legal institutions, is frowned upon: one may neither kill a pig of another that damages one's crops nor drive cattle that have entered one's gardens into the fields of their owner. A man, provoked or assaulted by another, has no right to retaliate; and it is doubted whether the provocation will mitigate his offence, for no man may take the law in his own hands. Pheduli's relative had been killed by Magwale's sorcery, and in anger Pheduli struck Magwale's cow, which subsequently went lame; yet he was ordered by the *khɔrɔ* to pay the usual compensation.

How has the old procedure merged with the new conceptions? We